

REPORT

Climate Action, Planning and Development

To: Mayor Cote and Members of Council **Date:** July 11, 2022

From: Emilie K. Adin, MCIP
Director of Climate Action, Planning and
Development **File:** REZ00217

Item #: 2022-543

Subject: Rezoning Application for Infill Townhouse: 337 and 339 Keary Street –
Comprehensive Report

RECOMMENDATION

THAT the application to rezone 337 and 339 Keary Street be considered and no Public Hearing held, in accordance with the *Local Government Act*.

THAT notification be circulated in accordance with the *Local Government Act*.

THAT First, Second, and Third Readings of Zoning Amendment Bylaw No. 8324, 2022 be rescinded.

PURPOSE

To request that: 1) the application to rezone 337 and 339 Keary Street be considered and no Public Hearing held, in accordance with the *Local Government Act*; 2) notification be circulated in accordance with the *Local Government Act*; and, 3) First, Second and Third Readings of Zoning Amendment Bylaw No. 8324, 2022 be rescinded; to enable a nine unit infill townhouse proposal.

EXECUTIVE SUMMARY

Rezoning and Development Permit (DP) applications have been received for 337 and 339 Keary Street. A total of nine side-by-side, ground-oriented residential units are proposed in two buildings. Plans indicate an overall Floor Space Ratio (FSR) of 1.00. All of the proposed units would be family-friendly, containing three bedrooms, and

stratified. The development proposes 10 off-street parking spaces, as well as long- and short-term bicycle spaces, in accordance with Zoning Bylaw requirements.

Applicant-led and City-led public consultation has been undertaken for the project and the applicant has responded to key community feedback. Staff recommends that the application to rezone the property be considered, and the Public Hearing waived in accordance with the *Local Government Act*.

This rezoning application was initially put before Council for a waived public hearing on May 9, 2022. It received Third Reading on May 30, 2022. The City in June 2022 realized that it has made an administrative error in the timing of the public notifications due to changes in the *Local Government Act*. To correct this error, the City is repealing all three readings of the bylaw and this report is placed before Council to begin the new approval process. This process will correct the administrative error, and no changes have been made to the content of the zoning bylaw, or the proposed project. Given this, the City is not requiring the applicant to complete any additional steps in the rezoning process, as all required steps were completed previously.

BACKGROUND

Policy and Regulations

The Official Community Plan land use designation for the subject properties is Residential – Ground Oriented Infill Housing (RGO), which allows infill townhouses. The properties are zoned Single Detached Residential Districts (RS-1) and require rezoning to allow for townhouse development. While the existing Infill Townhouse Rowhouse (RT) zone would guide the proposed rezoning, a Comprehensive Development (CD) zone would be created for this parcel to accommodate site constraints created by the properties' slope and lack of rear access lane. The proposed Zoning Amendment Bylaw No. 8324, 2022 is included as Attachment 1.

As the subject site is located within the Ground Oriented Housing Development Permit Area (DPA 1.2), a DP is required for the form and character of the proposed development. The DP has been reviewed concurrently through the rezoning process, and would be issued by the Director of Climate Action, Planning and Development, subject to Council approving the Rezoning application. Further information on the policy and regulatory context of this application is provided in Attachment 2.

PROJECT PROPOSAL

The proposed development consists of nine side-by-side, ground-oriented townhouse units within two buildings ranging in height from two to three storeys. Building 1 would be oriented towards Keary Street and Building 2 towards a central drive aisle. A total of 10 off-street parking spaces are proposed (nine resident stalls and one visitor/loading stall), consistent with Zoning Bylaw requirements and accessed from a central drive aisle.

Figure 1: Proposed Project Rendering (view from Keary Street)



All units would be family-friendly, contain three bedrooms, and range in size from approximately 115.1 sq. m. (1,238.8 sq. ft.) to 195.6 sq. m. (2,105.1 sq. ft.), inclusive of garage areas. Secondary suites would not be permitted and designs have been reviewed for illegal suiting opportunities. Private outdoor space and bike parking requirements would be met for both buildings, and shared outdoor amenities are proposed at the northern corners of the site. Additional site context information is included in Attachment 3 and project statistics in Attachment 4. The applicant’s design rationale and project drawings are included in Attachments 5 and 6.

DISCUSSION

Building Massing and Transition

The applicant has proposed a contemporary design that steps down in height following the natural topography of the site, creating a sensitive transition to neighbouring single-detached houses. The two storey end unit adjacent to the driveway entrance is intended reinforce the pedestrian scale of Keary Street, while the front gable roof design and exterior materials reflect the street’s architectural character. Staff considers the overall density and form to be generally consistent with the neighbourhood context and the design to be generally consistent with the Development Permit Area guidelines.

Landscape and Trees

The applicant has submitted an arborist report in support of a Tree Permit application. The site is fairly heavily treed, with six trees present on-site, four of which are specimen sized. Eight trees, including two City trees, are present off-site. The project proposes the removal of four on-site trees to enable development, including two specimen trees. Two on-site specimen trees would be retained, as well as all (eight) off-site trees. Replacement trees are proposed in excess of that required. The City would work with the applicant to repurpose the wood from felled trees for culturally and/or ecologically beneficial purposes.

To support the long-term health of the retained on-site trees, a covenant requiring their post-construction care would be required as a condition of adoption. The covenant would be registered on title, and would require that future owners carry out a five-year remediation and maintenance plan, with the condition of the trees reported to the City arborist on an annual basis.

Off-Street parking and Vehicular Access

As no rear lane is present at this site, a central drive aisle is proposed, accessed from Keary Street. Off-street parking would be accommodated in attached garages (8 resident spaces) and parking pads (1 resident space, 1 visitor/loading space). Though the Infill Townhouse and Rowhouse DPA guidelines do not permit enclosed parking structures, this relaxation is considered reasonable due to the site's constraints and because the building form has remained consistent with guidelines and respectful of the adjacent context. The proposed garage areas are included in the project's density calculations.

PUBLIC CONSULTATION

Applicant-led Consultation

Applicant-led consultation included an online survey, virtual open house, and project website, and residents within 100 metres (328 feet) of the project were notified of opportunities to submit feedback. A total of 14 community members attended the open house and 17 survey responses were received. Attachment 7 includes a description of the consultation process and all received feedback.

Survey feedback indicated that over 88% of respondents support the project. Feedback was focused on increased housing choice in Sapperton; tree retention; density; illegal suiting; and, traffic and on-street parking impacts. Staff notes that the proposed density is consistent with the Infill Townhouse and Rowhouse (RT) Zoning District, that off-street parking is consistent with Zoning Bylaw requirements, and that the design has been reviewed for illegal suiting opportunities.

City-led Consultation

City-led consultation included a project website and online survey, published on Be Heard New West. Residents within 100 metres of the project were notified of the online survey. In total, two survey responses were received and feedback focused on increased housing choice in Sapperton; density; and streetscape integration. All feedback received by the City is included in Attachment 9.

Written feedback was also received from the owner of 333 Keary Street, the neighbouring property east of 337 Keary Street. In addition to the topics above, the owner expressed concern regarding stabilization of the project, due to a past dispute about the retaining wall along the shared property line. Staff notes that while such

disputes are private in nature, the applicant would be required to stabilize and retain the project within the bounds of their own property. The details of this aspect of the project would be determined during the Building Permit phase.

New Westminster Design Panel

The application was presented to the New Westminster Design Panel (NWDP) on January 11, 2022 (minutes in Attachment 8). After reviewing the proposal and providing comments, the Committee expressed its general support for the project to proceed.

Applicant Response and Revisions

The applicant has addressed consultation feedback in the following ways:

- Redesigned common amenity spaces and private open spaces to minimize impacts on retained specimen trees;
- Shifted the driveway entrance towards the east property line to minimize impacts on retained City trees;
- Added non-glare, low lighting across the site to increase resident safety; and,
- Added additional landscaping to increase separation between the proposed townhouses and neighbouring properties.

Staff considers the above changes reasonable responses to the community feedback received.

REVIEW PROCESS

Staff considers that the applicant has reasonably addressed public feedback, and that the application meets City policy for waiver of the Public Hearing. Given this, the development application review process is as follows:

1. Preliminary Report to Council;
2. Applicant-led public consultation, including dissemination of information through the local Residents Association;
3. Presentation to the New Westminster Design Panel;
4. City-led public consultation, including the creation of a Be Heard New West webpage and survey;
5. Council consideration of the rezoning application and issuance of notice of waiving the Public Hearing (**WE ARE HERE**);
6. Council consideration of First, Second, and Third Reading;
7. Council consideration of Adoption of the Bylaw; and,
8. Issuance of the Development Permit by the Director of Climate Action, Planning and Development.

As the form of development is consistent with the OCP, the application was not forwarded to the Advisory Planning Commission for review or comment.

FINAL ADOPTION REQUIREMENTS

The following items will need to be addressed to the satisfaction of staff prior to the adoption of the proposed Zoning Bylaw Amendment:

- Registration of a Section 219 Restrictive Covenant (Tree Covenant);
- Registration of a Section 219 Restrictive Covenant (Parking Covenant); and
- Payment of Voluntary Amenity Contribution of \$90,000.

INTERDEPARTMENTAL LIAISON

The City has a project-based team approach for reviewing development applications. A staff-led project team was assigned for reviewing this project consisting of staff from Engineering (Servicing and Transportation), Fire, Electrical, Parks and Recreation, and Climate Action, Planning and Development (Building, Planning, Trees, and Heritage) Departments who provided comments throughout the development review process.

OPTIONS

The following options are available for Council’s consideration:

1. That Council consider the application to rezone 337 and 339 Keary Street and no Public Hearing held, in accordance with the *Local Government Act*.
2. That notification be circulated in accordance with the *Local Government Act*.
3. That First, Second, and Third Readings of Zoning Amendment Bylaw No. 8324, 2022 be rescinded.
4. That Council provide Staff with alternative feedback.

Staff recommends Options 1, 2, and 3.

ATTACHMENTS

- Attachment 1. Zoning Amendment Bylaw No. 8324, 2022
- Attachment 2. Policy and Regulations Summary
- Attachment 3. Site Characteristics and Context
- Attachment 4. Project Statistics Table
- Attachment 5. Applicant’s Design Rationale
- Attachment 6. Project Drawings
- Attachment 7. Applicant-led Consultation Summary

- Attachment 8. Extract of January 11, 2022 New Westminster Design Panel (NWDP) Meeting Minutes
- Attachment 9. City-led Consultation Summary
- Attachment 10. Engineering Servicing Memo

APPROVALS

This report was prepared by:
Wendee Lang, Development Planner

This report was reviewed by:
Mike Watson, A/Supervisor of Development Planning

This report was approved by:
Emilie K. Adin, Director, Climate Action Planning and Development
Lisa Spitale, Chief Administrative Officer